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Date: DECEMBER 20, 2004

To: EXAMINER AL AUBAIDI, R.
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Client/Matter No.: NL 000585 (7790/359)

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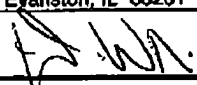
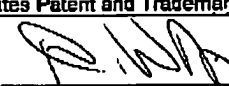
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TRANSMITTAL FORM <i>(to be used for all correspondence after initial filing)</i>	Attorney Docket No.	NL 000685 (7790/359)
	Application Number	10/040,172
	Filing Date	OCTOBER 23, 2001
	First Named Inventor	ROBERT D. SCHOFIELD
	Group Art Unit	2642
	Examiner	AL AUBAIDI, RASHA S.

ENCLOSURES (check all that apply)		
<input type="checkbox"/> Amendment <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Status Letter <input type="checkbox"/> Petition for Extension of Time Request (dupl.) <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement, PTO-1449, art <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawings: <input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Petition Routing Slip (PTO/SB/69) and Accompanying Petition <input type="checkbox"/> To Convert a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Small Entity Statement <input type="checkbox"/> Request of Refund	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input checked="" type="checkbox"/> Appeal Brief (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Post Card Receipt <input type="checkbox"/> Additional Enclosure(s) (please identify below): <div style="border: 1px solid black; height: 20px; width: 100%;"></div> <div style="border: 1px solid black; height: 20px; width: 100%;"></div> <div style="border: 1px solid black; height: 20px; width: 100%;"></div>
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Firm or Individual name	DARRIN WESLEY HARRIS Registration No. 40,636 CARDINAL LAW GROUP 1603 Orrington Avenue, Suite 2000 Evanston, IL 60201	
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PATENT
Case No. NL 000585
(7790/359)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

In re patent application of:

ROBERT D. SCHOFIELD

Serial No.: 10/040,172

Filed: OCTOBER 23, 2001

For: USER CONTROL OF TELEPHONE)
SWITCH THROUGH A)
HTTP CLIENT APPLICATION)

Examiner: AL AUBAIDI, RASHA S

Group Art Unit: 2642

APPEAL BRIEF

Mail Stop Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Appellant herewith respectfully presents a Brief on Appeal as follows:

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1. REAL PARTY IN INTEREST

The real party in interest is Koninklijke Philips Electronics N.V., a corporation of
The Netherlands having an office and a place of business at Groenewoudseweg 1,
Eindhoven, Netherlands 5621 BA.

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2. RELATED APPEALS AND INTERFERENCES

Appellant and the undersigned attorney are not aware of any other appeals or interferences which will directly affect or be directly affected by or having a bearing on the Board's decision in the pending appeal.

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3. STATUS OF CLAIMS

Claims 17-19 are currently pending in the present application, and are the claims on appeal. See, Claims Appendix.

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4. STATUS OF AMENDMENTS

Appellant filed an after final request for reconsideration under 37 C.F.R. §1.116 in response to a Final Office Action dated July 14, 2004. The request for reconsideration contained non-statutory amendments to claims 17 and 19. For purposes of this Appeal, Examiner Al Aubaidi entered the request for reconsideration into the record.

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5. SUMMARY OF THE CLAIMED INVENTION

As illustrated in FIG. 1, one embodiment of a communication system employs a telephone 1 connected to a telephone switch 5 through a transmission medium 3.

Telephone switch 5 can be controlled by a web server 11 that is connected to telephone switch 5 through a network connection 9. Web server 11 has a control application that can send control commands to telephone switch 5 to configure telephone switch 5, to control telephone switch 5 or to retrieve information from telephone switch 5. A browser 15 is provided for the user. Browser 15 is connected to the web server through a connection 13. The user can access the web server 11 through the browser 15. *See, U.S. Patent Application Serial No. 10/040,172 at page 3, lines 6-30.*

As illustrated in FIG. 6, a second embodiment of a communication system employs a telephone 67 connected via a telephone line 65 and through a Public Switched Telephone Network 63 and via a telephone line 61 between to a telephone switch 68, which is connected to other telephones via a telephone line 71. A server 72 can control telephone switch 68 via a connection 70. A browser 69 functions as a user interface and is connected via connection 66 to the network 64. Browser 69 can establish a connection with server 72 because server 72 is also connected network 64 via a connection 62. *See, U.S. Patent Application Serial No. 10/040,172 at page 7, line 29 to page 8, line 18.*

For both embodiments, if the browser is associated with a particular telephone, then the communication system knows exactly to which telephone the calls for the user that logged in via the browser must be routed. Additionally, if the web page is associated

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with the telephone, then the user can log in through the web page and identify himself.

The telephone switch now knows that the user is not at his own extension but at a different extension and can route the calls to the user the different extension. See *U.S.*

Patent Application Serial No. 10/040,172 at page 4, lines 20-26.

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6. GROUND OF REJECTION TO BE REVIEWED ON APPEAL

Claims 17-19 stand finally rejected under 35 U.S.C. §102(b) as being anticipated
by U.S. Patent No. 6,091,808 to *Wood*.

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7. ARGUMENT

Anticipation. "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

Claims 17-19. The Appellant respectfully traverse the anticipation rejection of independent claims 17-19, because *Wood* fails to disclose and teaches away from: from the following limitations of claims 17-19:

1. "wherein one of the web page and the web browser is operatively associated with a calling number of the telephone" as recited in independent claim 17;
2. "wherein the web page is operatively associated by the web server with a calling number of the telephone" as recited in independent claim 18; and

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3. "wherein the web browser is operatively associated by the web server with a calling number of the telephone" as recited in independent claim 19.

Wood. A proper understanding of *Wood* reveals that *Wood* fails to disclose and teaches away from the aforementioned limitations of independent claims 17-19.

Specifically, *Wood* teaches a user subscription system whereby only the web page is operatively associated with the subscriber. See, *Wood* at column 9, lines 46-64. *Wood* fails to teach the web page being operatively associated with a calling number of a particular telephone or a web browser being operatively associated with a calling number of a particular telephone. See, U.S. Patent Application Serial No. 10/040,172 at page 4, lines 20-26.

In the Final Office Action, Examiner Al Aubaidi recognizes that *Wood* fails to teach or suggest the aforementioned limitations of claims 17-19. However, Examiner Al Aubaidi asserts that the term "operatively associated" does not have a definite meaning, and is therefore broad enough to read on a web page that simply contains a calling number of a telephone or a web browser that simply contains an account listing of a calling number of a telephone.

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The Applicant respectfully disagrees with Examiner Al Aubaidi, because the term "associated" has a definite definition that can be found in a dictionary as a verb that broadly means "a connection with another", and the term "operatively" has a definite definition that can be found in any dictionary as an adverb that means "in an operative manner". Thus, the term "operatively associated" has a definite definition that broadly means "an connection with another in an operative manner". Thus, the Applicant thereby respectfully asserts that the proper interpretation of the aforementioned limitations of claims 17-19 is that the web page or the web browser are in connection with a calling number of a telephone in an operative manner. As such, the term "operatively associated" excludes any non-operative manner for associating a web page or a web browser to a calling number of a telephone, such as, for example, a listing of the calling number on the web page wherein the listing is incapable of facilitating an operation of the web page, and a listing of the calling number in a web browser account wherein the listing is incapable of facilitating an operation of the web browser.

Withdrawal of the rejection of independent claims 17-19 under 35 U.S.C. §102(b) as being anticipated by *Wood* is therefore respectfully requested.

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Dated: December 20, 2004

Respectfully submitted,

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CLAIMS APPENDIX

17. A communication system, comprising:

a telephone;

a telephone switch operative to interact with the telephone and provide a control function to a user of the telephone; and

a web server connected to the telephone switch and operative to provide the control function to the user of the telephone via a web page provided by the web server and accessible by a web browser, wherein one of the web page and the web browser is operatively associated with a calling number of the telephone.

18. In a communication system employing a telephone and a telephone switch, a web system comprising:

a web server; and

a web page provided by the web server and accessible via a web browser;

wherein the web server is operable to interact with the telephone switch and the web page is operable to interact with the web browser to thereby provide a control function to a user of a telephone, and

wherein the web page is operatively associated by the web server with a calling number of the telephone.

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19. In a communication system employing a telephone and a telephone switch, a web system comprising:

a web server; and

a web page provided by the web server and accessible via a web browser
operatively associated by the web server with a calling number of the telephone,

wherein the web server is operable to interact with the telephone switch
and the web page is operable to interact with the web browser to thereby provide a
control function to a user of a telephone.

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EVIDENCE APPENDIX

None.

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RELATED PROCEEDINGS APPENDIX

None.

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